

ENROLLED ORDINANCE 160-93

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 13 AND THE SW ¼ OF SECTION 12, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10 DISTRICT (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT (TOWN) TO THE R-1 RESIDENTIAL DISTRICT (COUNTY) AND THE R-2 RESIDENTIAL DISTRICT (TOWN) (SCZ-1515)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Summit, Waukesha County, Wisconsin, and the Town of Summit Zoning Ordinance adopted on August 12, 2003, are hereby amended to conditionally rezone from the AD-10 Agricultural Density-10 District (County) and the A-2 Agricultural District (Town) to the R-1 Residential District (County) and the R-2 Residential District (Town), with conditions as contained in the Town of Summit Ordinance No. 05-262, adopted by the Town of Summit on November 7, 2005, certain lands located in part of the NW ¼ of Section 13 and the SW ¼ of Section 12, T7N, R17E, Town of Summit, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SCZ-1515), subject to the following conditions:

1. *Presentation Compliance.* The subject property must be developed in substantial conformity with the plans presented with the rezoning petition, and in substantial conformity with the presentation at the public hearing of August 18, 2004, including the comments made by the Town Plan Commission during the public hearings and in their meetings following the public hearings.
2. *Land Division Conditions.* Subject to the subject property being divided by subdivision plat in the manner described at the public hearings of August 18, 2004, and further subject to satisfying any and all conditions that are imposed by the Town in approving the Preliminary Plat (if it is approved), and satisfying all conditions that may be imposed by the Town and all other approving and objecting authorities in approving the Final Plat (if it is approved), and further subject to recording the Final Plat, as approved by the Town (if it is approved) in the office of the Waukesha County Register of Deeds.
3. *Regulatory Compliance.* Subject to the Petitioner and Owner fully complying with all Town, County of Waukesha, State of Wisconsin and federal government codes, ordinances, statutes, rules, regulations and orders regarding the premises as determined by Town Staff.

4. *Open Space.* Subject to appropriate documents being recorded against the subject property providing for the maintenance of the open space within the subject property in perpetuity, by a condominium association, owners association or other like entity, in a form that is subject to the approval of the Town Board and Town Attorney.
5. *Satisfaction of Engineer.* Subject to the Petitioner satisfying all comments, conditions, and concerns of the Town Engineer, if any, regarding the Petitioner's application prior to this approval being effective.
6. *Landscape Buffer.* A landscape buffer shall be installed in a location and to the specifications that are subject to the approval of the Town Plan Commission, and which shall be depicted as part of the Preliminary and Final Plat.
7. *Utility Improvements.* Subject to the Petitioner providing, paying for, and receiving all necessary approval for sewer improvements and laterals within the subject property, and/or within the surrounding development of the Petitioner's property, to the satisfaction of the Town Engineer and the applicable utility district.
8. *Financial Guarantee and Agreement.* Subject to the Petitioner submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash and subject to the Petitioner submitting to and receiving from the Town Attorney and the Town Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.
9. *Developer Purchase or Joinder.* If the subject property will be sold for purposes of accomplishing this development, then prior to this conditional rezoning ordinance being effective, the owner and developer of the subject property must join in the rezoning petition, thereafter being deemed to be the "Petitioner" as that term is used herein, jointly and severally with the current Petitioner, and all such Petitioners shall note their acceptance of this rezoning ordinance as described below.
10. *Required Plans.* Subject to the Petitioner submitting to and receiving written approval from the Town Plan Commission of all of the following plans as deemed necessary by the Town Plan Commission:
 - A. Traffic Plan, including required access points and any special conditions imposed by the highway jurisdiction
 - B. Landscaping plan
 - C. Pedestrian Plan
 - D. Grading and Stormwater Management Plan, which shall include written proof that the same has been approved by the Pabst Farms Joint Stormwater District
 - E. Sewer Plan, with a description of the connections and number of laterals, which shall include written proof that the same has been approved by the Summit Utility District #2
 - F. Erosion Control Plan

- G. Open space plan, including open space calculations
 - H. Road specifications
11. *Professional Fees.* Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this rezoning petition, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.
 12. *Payment of Charges.* Any unpaid bills owed to the Town by the owner of the subject property or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance, that is subject to all remedies available to the Town, including possible cause for termination of the conditional rezoning ordinance.
 13. *Subject to Acceptance.* Subject to the Petitioner and the subject property owner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.
 14. *Road vacation.* Subject to the Petitioner obtaining the vacation or discontinuance of Norwood Drive to the extent deemed necessary by the Town Manager-Planner, in accordance with applicable laws, and in a manner that is subject to the approval of the Town Attorney.
 15. *County Shoreland Code.* Subject to the Petitioner obtaining all required approvals of Waukesha County, pursuant to the Waukesha County Shoreland and Floodland Protection Ordinance and such other applicable Waukesha County ordinances as may apply.
 16. *Road Intersections.* Subject to the Petitioner resolving the following issues to the satisfaction of the Town Manager-Planner:
 - A. Roadway connections to Sawyer Road;
 - B. Waukesha County approval of road intersections and access permits.
 17. *Buried Utility Lines.* Lines providing direct utility service to homes in the subdivision shall be located underground.
 18. *Three Years to Satisfy Conditions.* Subject to the Petitioner satisfying all of the aforementioned conditions within three years of the Town Board adopting this conditional rezoning ordinance, unless extended by the Town Board.

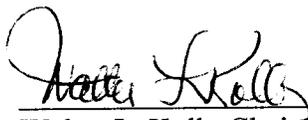
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

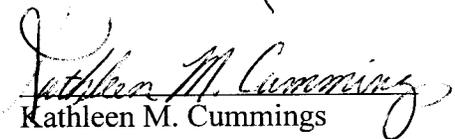
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

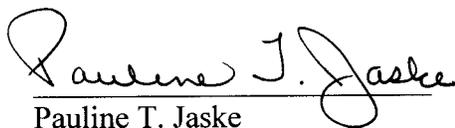
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 13 AND THE SW ¼ OF SECTION 12, T7N, R17E, TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10 DISTRICT (COUNTY) AND THE A-2 AGRICULTURAL DISTRICT (TOWN) TO THE R-1 RESIDENTIAL DISTRICT (COUNTY) AND THE R-2 RESIDENTIAL DISTRICT (TOWN) (SCZ-1515)

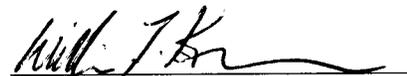
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Kathleen M. Cummings


Pauline T. Jaske

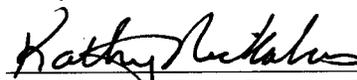
Absent
Scott J. Klein


Bill Kramer

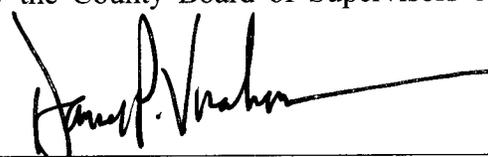
Absent
Daniel Pavelko

Absent
Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

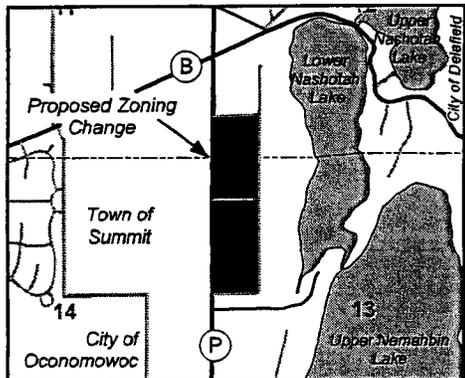
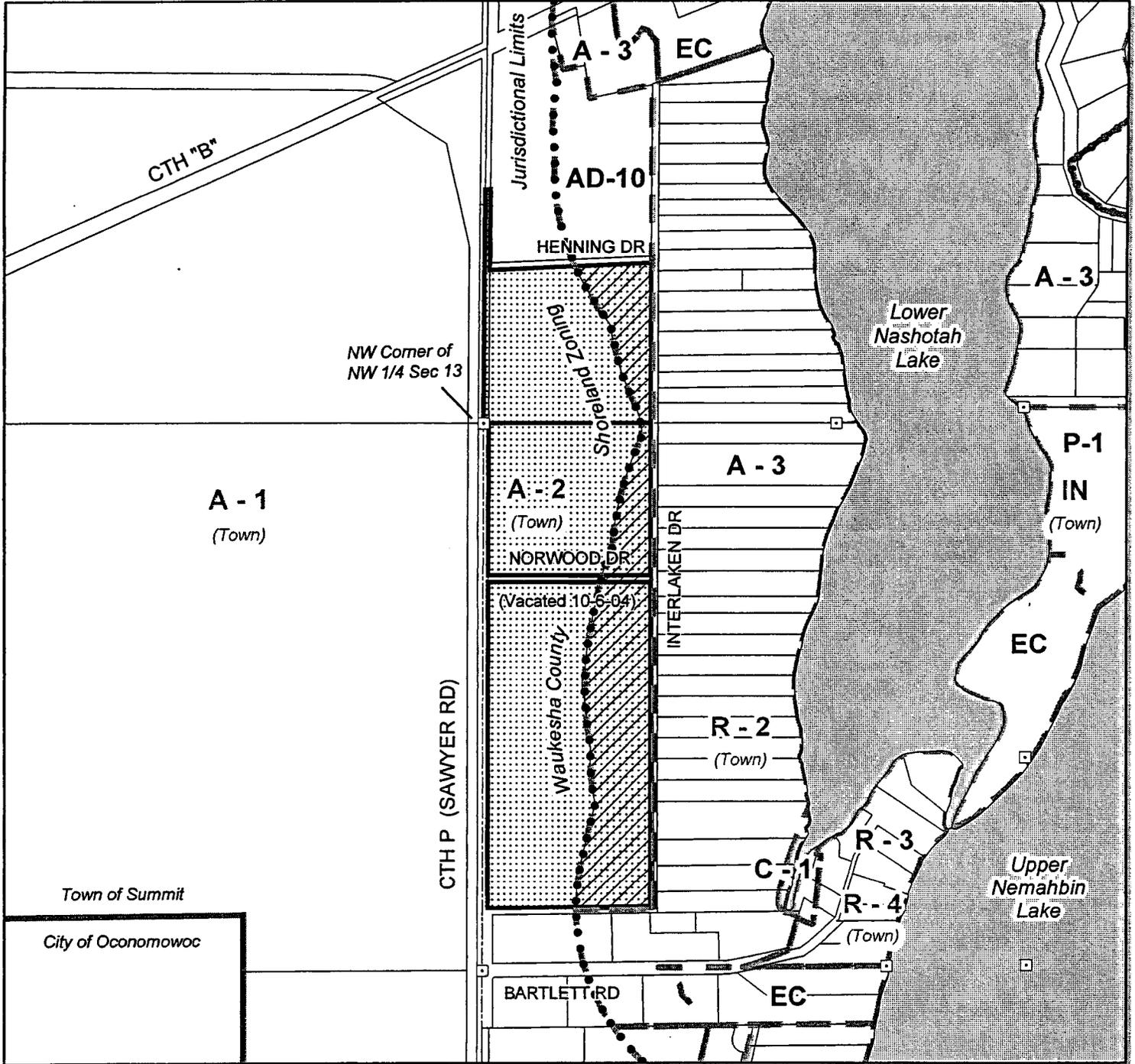
Date: 1/27/06, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 1/27/06, 
Daniel P. Vrakas, County Executive

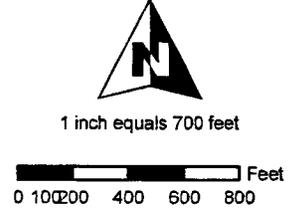
ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 12 AND NW 1/4 OF SECTION 13
TOWN OF SUMMIT



-  SHORELAND ZONING CHANGE FROM AD-10 TO R-1 (17.1 ACRES)
-  TOWN ZONING CHANGE FROM A-2 TO R-2 (54.9 ACRES)

FILE.....SCZ-1515
 DATE.....12-01-05
 AREA OF CHANGE.....54.9 ACRES
 TAX KEY NUMBERS.....SUMT 0623.992
 AND SUMT 0626.999



Prepared by the Waukesha County Department of Parks and Land Use

160-0-096

8.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/24/06

(ORD) NUMBER-1600096

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....AYE
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....AYE
 31 V. STROUD.....
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 R. HUTTON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 B. RONCKE.....AYE
 14 A. KALLIN.....AYE
 16 R. MANKE.....AYE
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....AYE
 24 B. KRAMER.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....AYE
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-33